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December 16, 2002

Docket No. 94P-0036
Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, rm. 1061
Rockville, MD 20852
Via e-mail: <http://www.fda.gov/dockets/ecomments>

Re: Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims; Reopening of the Comment Period (67 FR 69171; Nov. 15, 2002) (Docket No. 94P-0036)

Dear Sir or Madam:

The National Cotton Council (NCC) submits these comments in response to the Food and Drug Administration (FDA) request for comments (67 FR 69171; 11/15/02) on the Agency's amended proposed rule to require declaration of *trans* fats in nutrition labeling and specifically on a footnote statement that it is proposing be required on the label when *trans* fat is listed. NCC agrees that saturated fat content and *trans* fat content should be listed separately but strongly opposes the proposed footnote that would be required for foods containing *trans* fats.

NCC is the central trade association of the U.S. cotton industry, representing producers, ginner, cottonseed crushers, merchants, cooperatives, warehouses, and textile manufacturers in 18 states. On average, NCC members produce and gin over 17 million bales of cotton and NCC cottonseed members handled over 6.5 million tons of cottonseed for oilseed processing and dairy feeding.

FDA correctly proposes to list *Trans* fat and saturated fat" separately

Research is currently inconclusive as to the effect of *trans* fats and saturated fat on a gram-for-gram basis. In fact, there is little evidence, if any, that *trans* fat has a greater adverse impact than saturated fat, and the effect of *trans* fats on HDL is uncertain. Since *trans* fats are not the same chemical compounds as saturated fats and there is scientific evidence that they perform differently physiologically, NCC believes that *trans* fat and saturated fat should be listed separately on nutrition labels as FDA has proposed.

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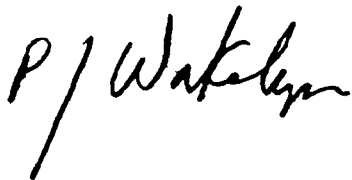
The proposed footnote is misleading, based on questionable science, and would be viewed as a *de facto* warning statement that would mislead consumers

The proposed rule would require that any food that declares *trans* fat content (*i.e.*, any food that contains 0.5 grams or more of *trans* fat per labeled serving size) must place an asterisk or other symbol in the Percent Daily Value (% DV) column for *trans* fat, referring to a similar symbol at the bottom of the Nutrition Facts box that is followed by the statement "Intake of *trans* fat should be as low as possible." Although FDA states it is not proposing to establish a % DV for *trans* fat, the proposed footnote effectively establishes a DV of zero for *trans* fat. This makes the footnote a *de facto* warning label. The message would mislead consumer about the relative significance of *trans* fat and saturated fat, *i.e.*, a healthy diet may include up to 20 g. saturated fat/day but no *trans* fat.

NCC believes the footnote should be deleted from the proposed rule, the % DV should be left blank, and FDA only should require listing of the amount of *trans* fat separately from the amount of saturated fat. This approach would be consistent with how FDA handles other nutrients that lack a DV.

NCC appreciates the opportunity to comment to FDA on this issue.

Sincerely,



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